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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. BEST BAIL BONDS 3555 SOUTH 700 WEST NO. A SALT LAKE CITY UT 84119 License No. 189732, Respondent.</p>	<p>STIPULATION: ADMINISTRATIVE ACTION AND ORDER</p> <p>Docket No. 2017-033 BB Enforcement Case No. 3879</p> <p>Lisa Watts Baskin, J. D. Administrative Law Judge</p>
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STIPULATION

COMES NOW Complainant Utah Insurance Department ("Department"), through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Respondent Best Bail Bonds, through its legal counsel, David W. Brown, and stipulate and agree as follows:

1. Pursuant to Utah Code §§ 31A-1-105, 31A-2-201 and 31A-2-308 the Utah Insurance Department has jurisdiction over the parties and this formal administrative proceeding.

2. Respondent is a licensed Residential Limited Line Producer Organization, with qualification of bail, in the State of Utah and located at 3555 South 700 West, No. A, Salt Lake City, Utah.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is a formal proceeding pursuant to Utah Code § 63G- 4-204; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. This signed Stipulation, along with the Findings of Facts and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing, agency review or appeal.

5. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

6. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

7. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

8. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

6-29-17
DATED



DAVID W. BROWN, Attorney-at-Law
Legal Counsel for Best Bail Bonds
Respondent

6/30/2017
DATED:

Gary D. Josephson
GARY D. JOSEPHSON
Assistant Attorney General
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Administrative Law Judge makes the following Findings of Fact:

FINDINGS OF FACT

1. On February 14, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds, under Criminal Case No. 161903525, Alex Diaz, Third District Court, Salt Lake Department, in the principle sum of \$10,000. On May 1, 2017 (post Mandatory Order license suspension), Respondent fully paid this forfeiture judgement.

2. On February 14, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds, under Criminal Case No. 161900977, Yoseth J. Melendez, Third District Court, Salt Lake Department, in the principle sum of \$15,000.

3. On February 16, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds under Criminal Case No. 161904921, Maicon Aguilar, Third District Court, Salt Lake Department, in the principle sum of \$30,000.

4. On February 16, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds under Criminal Case No. 141914362, Kiela Arrazola Zuniga, Third District Court, Salt Lake Department, in the principle sum of \$20,000.

5. On March 1, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds under Criminal Case No. 161905115, Cristian Lopez Ramirez, Third District Court, Salt Lake Department, in the principle sum of \$12,000.

6. On March 17, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds under Criminal Case No. 161903288, Emerson Saul Rubi Velasquez, Third District Court, Salt Lake Department, in the principle sum of \$25,000.

7. On March 1, 2017, a bail bond forfeiture judgment was entered against Best Bail Bonds under Criminal Case No. 161904440, Kiela Arrazola Zuniga, Third District Court, Salt Lake Department, in the principle sum of \$10,000.

8. On April 7, 2017, after being notified by the Salt Lake District Attorney's Office, of the above-referenced bail bond forfeitures, the Department notified Best Bail Bonds of its legal responsibilities to satisfy all forfeiture judgments within five (5) business days.

9. Because Respondent failed to satisfy all the forfeiture judgments within the required five days, pursuant to Utah Code § 31A-35-504(3), effective April 20, 2017, the Utah Insurance Commissioner suspended the Bail Bond License of Best Bail Bonds by a Mandatory Order.

11. To date, the Utah Insurance Department has received no notice of satisfaction of all the above referenced pre-Mandatory Order license suspension forfeiture judgments from the Salt Lake County's Prosecutor's Office.

12. Following the Mandatory Order license suspension, the Department received notice of the following, additional bail bond forfeiture judgments against Respondent, which remain outstanding:

(a) a judgment of forfeiture for \$25,000 regarding Josue Alvarez Canaca, court case number 161901608;

- (b) a judgment of forfeiture for \$20,000 regarding Emilson Esteban Servellon Cardona, court case number 161904522;
- (c) a judgment of forfeiture for \$10,000 regarding Roni David Archaga, court case number 161905634;
- (d) a judgment of forfeiture for \$40,000 regarding Angel Ramon Ortega Urmeneta, court case number 161906488;
- (e) a judgment of forfeiture for \$5,000 regarding Emerson Saul Rubi Velasquez, court case number 161905397;
- (f) a judgment of forfeiture for \$2,500 regarding Genie Marie Gutierrez, court case number 151701945;
- (g) a judgment of forfeiture for \$25,000 regarding Anastasia Marie Willoughby, court case number 161701284 (On June 19, 2017, Respondent fully paid this forfeiture judgment);
- (h) a judgment of forfeiture for \$10,680 regarding Melvin Medina, court case number 161906785;
- (i) a judgment of forfeiture for \$25,000 regarding Jeffrey Antonio Mendez, court case number 161907636;
- (j) a judgment of forfeiture for \$310 regarding Maria Esther Camacho, court case 165602938;
- (k) a judgment of forfeiture for \$10,000 regarding Christian Oneil Bejarno-Love, court case number 161908075;
- (l) a judgment of forfeiture for \$25,000 regarding Jose Alvarez Canaca, court case number 161902084;
- (m) a judgment of forfeiture for \$15,000 regarding Fredis Armando Ramos Banegas, court case number 161904536;

(n) a judgment of forfeiture for \$5,000 regarding Wilbert Palaez Alberto, court case number 141905250;

(o) a judgment of forfeiture for \$20,000 regarding Elder Doblado Garcia, court case number 161904468; and

(p) a judgment of forfeiture for \$10,000 regarding Elder Doblado Garcia, court case number 161909044.

13. On June 20, 2017, the Department was notified by the Salt Lake City Prosecutor's Office of the following additional bail bond forfeiture judgments against Respondent, which remain outstanding:

(a) judgement forfeiture for \$15,000 regarding court case number 161907305, Jorge Luis Castro;

(b) judgement forfeiture for \$15,000 regarding court case number 161907580, Carlos Fabricio Acosta;

(c) judgement forfeiture for \$10,000 regarding court case number 161910689, Dania Sosa; and

(d) judgement forfeiture for \$10,000 regarding case number 161907068, Mario Hernandez.

14. On June 19, 2017, Respondent delivered a check in the amount of \$246,170.00 to the Salt Lake County District Attorney's Office, with the intent to pay off some of the above referenced outstanding bail bond forfeiture judgments.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge makes the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Respondent directly violated Utah Code § 31A-35-504(2)(a)(i) numerous times when it failed to pay bail bond forfeiture judgements with 15 days of receiving notice from the prosecutor's office of the court's entry of forfeiture judgement.
2. Respondents directly violated Utah Code § 31A-35-504(1)(b) numerous times when it failed to satisfy the above referenced bail bond forfeiture judgments, Findings of Facts, paragraphs 1 – 7, within five (5) business days after receiving notice from the Department.
3. Under Utah Code § 31A-35-504(3), The Department was correct in suspending Respondent's bail bond license on April 20, 2017 through the Insurance Commissioner's Mandatory Order.
4. Under Utah Code § 31A-35-504(6), because the forfeiture judgments referenced in paragraphs 1 – 7, Findings of Fact, remain unsatisfied, the Department is required to commence an administrative proceeding to immediately revoke Respondent's bail bond insurance license.
5. Respondent also violated Utah Code § 31A-23a-111(5)(b)(i) when it failed to demonstrate trustworthiness and competence by not paying the required bail bond forfeitures; (b)(ii)(A), when it violated insurance statutes; (b)(ii)(C), when it violated the Commissioner's Mandatory Order; (iv), when it failed to pay a final judgment within 60 days; (xvi)(B), when it demonstrated financial irresponsibility; and (xxiv), when it engaged in a method or practice in the conduct of bail bond business that endangered the legitimate interests of the customers and the public.

Based on the Stipulation between the parties, along with the Findings of Fact and Conclusions of Law above, the Administrative Law Judge makes the following Order:

ORDER

IT IS HEREBY ORDERED that Respondent Best Bail Bonds' Utah Bail Bond License, No. 189732, is hereby revoked.

DATED this 5th day of July, 2017.

TODD E. KISER
INSURANCE COMMISSIONER

Lisa Watts Baskin
LISA WATTS BASKIN, J.D.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was mailed by both regular mail, and e-mailed to the following:

David W. Brown, Attorney-at-Law
2880 West 4700 South Ste. F
Salt Lake City, Utah 84129

Email: law.davidwbrown@gmail.com

July 05/17
Date



JEANNE MITCHEL
UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901